

City of Tempe Draft Zoning and Development Code
(Second Half)

Section 1-306 Redevelopment Review Commission.

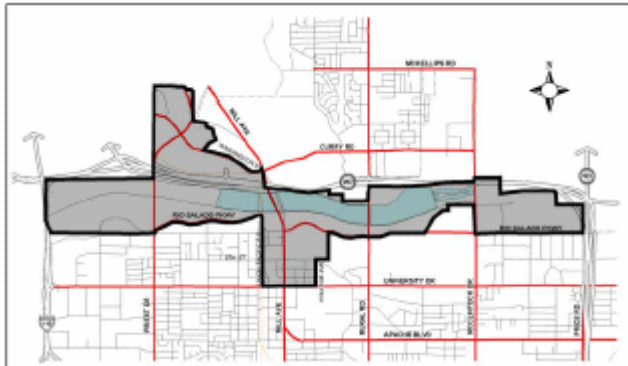
A. Redevelopment Review Commission - Creation~~Established; and~~ Purpose and Composition. ~~There is hereby established The Redevelopment Review Commission, hereafter referred to as RRC, is created to hold Public Hearings and meeting Meetings to render for the purpose of reviewing and making decisions and recommendations on applications, in lieu of the City Council, Planning and Zoning Commission, BA Board of Adjustment, and Design Review Board (DRB), within the areas described in subsections 1 and 2, below. The RRC shall be composed of seven (7) members and four (4) alternate members. specified areas of the city described below. The purpose of the Redevelopment Review Commission is to simultaneously review all aspects of a proposed and future development in order to facilitate comprehensive review. Such development review includes, but is not limited to, present and projected growth of the city, design aspects, site planning and the relationship of the development to the surrounding environment and the community. The Redevelopment Review Commission assists the City Council with advice and recommendations regarding applications where the Redevelopment Review Commission has recommendatory the power to recommend, and to render final decisions on specified applications where the Redevelopment Review Commission has final decisionmaking power, as described below. The Redevelopment Review Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of health, safety and general welfare. This section, providing for the operation of the Redevelopment Review Commission, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action.~~

(DELETED CITY COUNCIL FROM THE RRC ACTING IN LIEU OF. ADDED THE ORDINANCE NUMBER AND DATE OF ORDINANCE.)

The ~~RRC~~ Redevelopment Review Commission ~~will~~ shall review development projects in the following areas of the city, the "Redevelopment Review Area":

(DELETED "REDEVELOPMENT REVIEW AREA")

1. University-Hayden Butte redevelopment area; and
2. Rio Salado-McClintock redevelopment area.



BC. Redevelopment Review Commission - Organization.- Appointment of Members; Terms of Office.

1. The Redevelopment Review Commission shall consist of seven (7) members and four (4) alternates ~~The members and alternates of the RRC shall be~~ appointed by the Mayor with the approval of the City Council. The seven (7) members of the Redevelopment Review Commission shall consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board, one (1) current member from the Rio Salado Citizen Advisory Commission, one (1) current member from the Parks and Recreation Board and two (2) members selected from residents of the city. The four (4) alternate members shall consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board and one (1) current member from the Rio Salado Citizen Advisory Commission. The alternates shall serve at the commission hearings or meetings whenever a regular commission member is unable to attend or must decline due to a conflict of interest. All Redevelopment Review Commission members and alternates shall be residents of the city at all times during their terms.

2. The term of office for all Redevelopment Review Commission members and alternates appointed from either the Planning and Zoning Commission, Board of Adjustment, Design Review Board, the Rio Salado Citizen Advisory Commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor and City Council. The term of office of all remaining Redevelopment Review Commission members is three (3) years beginning on the date of appointment by the Mayor and City Council. Vacancies shall be filled for the unexpired term of the member whose office is vacant in the same manner as such member received original appointment. The members and alternates of the RRC Redevelopment Review Commission shall receive no reserve without compensation for their services as commission members.

32. The Redevelopment Review Commission shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas. Elected officers shall serve from the first meeting of the Redevelopment Review Commission following the first day of January of each year ~~and~~ until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of the ~~is~~ Redevelopment Review Commission.

45. Meetings and hearings of the Redevelopment Review Commission shall be open to the public and conducted ~~per the standards in~~ accordance with Part 6, Chapter 5, Public Meetings and Public Hearings. The ~~chair will ask if there are public comments on each agenda item, and the~~ public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept ~~and filed in the office of the development services department by the City Clerk in accordance with Section 6-503~~ as a public record.

35. The Redevelopment Review Commission shall adopt rules of procedure consistent with this Code for the conduct of its business and procedure.

~~2. The term of office for all RRC members appointed from either the PZ, BA, DRB, the Rio Salado citizen advisory commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor~~

and City Council. The term of office of all remaining RRC members is three (3) years beginning on the date of appointment by the Mayor and City Council.

~~35. Any vacancies shall be filled for the unexpired term of the member whose office is vacant in the same manner as such member received original appointment.~~

~~67. A quorum consists of four (4) members of the Redevelopment Review Commission. The concurring vote of four (4) members of the Redevelopment Review Commission shall be necessary to approve, deny, approve with conditions or make a recommendation on any application, or to affect any variation from the terms and conditions of this Code matter on its agenda except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that Commission members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum. Robert's Rules of Order shall govern any other motion.~~

~~78. The Development Services Manager, or his or her a designated representative, shall serve ex officio as secretary of the Redevelopment Review Commission.~~

~~**C. Compensation.** Members of the RRC shall receive no compensation for their services as commission members.~~

~~**D. Officers.** The chairperson and such other officers, as the by its rules of procedure may prescribe, shall be selected by the RRC members at the first meeting of the RRC following the first day of January of each year and shall serve until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this RRC~~

~~**EB. Redevelopment Review Commission - Duties and Powers.** The Redevelopment Review Commission shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Redevelopment Review Commission has concurrent power with the Planning and Zoning Commission, Board of Adjustment and Design Review Board in accordance with Section 1-306 and Table 6-101A, to render final decisions on, or to review and recommend to the City Council approval, denial, or approval with conditions applications for development within the Redevelopment Review Area, in accordance with Section 1-306(A). The Redevelopment Review Commission shall exercise its powers consistent with the applicable laws, rules and procedures which govern the concurrent board or commission for each development application or request.~~

~~1. The Redevelopment Review Commission shall have the following powers regarding applications within the Redevelopment Review Area:~~

~~**Final Decisionmaking Powers:** The Redevelopment Review Commission shall have the power to hold Public Hearings or meetingMeetings, where applicable, to review and make final decisions regarding the approval, continuance, denial, or approval with conditions of the following requests:~~

~~a)- Major Development Plan applications pursuant to Sections 6-307 and 6-313;~~

~~b) Major or amendmentsmodification to Development Plans or conditions of approval to approved Major Development Plans applications pursuant to Sections 6-307 and 6-313;~~

~~c) Site Plan applications pursuant to Section 6-313;~~

~~d)- Major modification to approved Site Plans or Major modification to approved conditions of approved Site Plans applications pursuant to Section 6-313; 22222;~~

ee)- Preliminary Subdivision Plat applications pursuant to Section 6-308; and

fd)- Use Permit applications pursuant to Section 6-309-;

g) Appeals of Development Services Manager decisions regarding Minor Development Plan applications pursuant to Sections 6- and 6- :

h) Appeals of Development Services Manager decisions regarding Minor modifications to Development Plans or Minor modifications to conditions of approved Development Plans pursuant to Sections 6- and 6-

i) Appeals from the Development Services Manager regarding Minor modifications to approved Planned Area Developments, or Minor modifications to conditions to approved Planned Area Developments; and

j) Appeals from the Development Services Manager regarding Minor modifications to approved Site Plans, or Minor modifications to conditions of approved Site Plans.

Recommendation Powers: The Redevelopment Review Commission shall have the power to hold Public Hearings to review and recommend to the City Council approval, continuance, denial, or approval with conditions the following requests:

a)- General Plan amendment and Major General Plan amendment applications pursuant to Section 6-303;

b)- Zoning Map amendment (re-zoning), overlay district and PAD applications pursuant to Sections 6-305 and 6-306;

c)- Code Text amendment applications pursuant to Section 6-305; and

d)- Final Subdivision Plat applications pursuant to Section 6-308; and

e) Major modifications to approved Planned Area Developments, or Major modifications to conditions of approved Planned Area Developments.

(MODIFIED ALL OF THE ABOVE FINAL DECISION-MAKING POWERS AND RECOMMENDATION POWERS TO REFLECT POWERS OF OTHER BOARDS AND COMMISSIONS. ALSO FOUND REDUNDANT LANGUAGE. MADE IT CONSISTENT WITH OTHER SECTIONS.)

2. Except for appeals, the rules and procedures for advertising, notification and scheduling of hearings before the Redevelopment Review Commission shall be consistent with the legal standards required for a Public Hearing or Meeting before the Planning and Zoning Commission, the Board of Adjustment or the Design Review Board depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies.

(MOVED UNDER ORGANIZATION AND DELETED "EXCEPT FOR APPEALS")

3. The Redevelopment Review Commission may prescribe in connection with any request such conditions as the Redevelopment Review Commission may deem necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6.

(ADDED, "VIOLATION OF ANY RRC CONDITION SHALL BE A VIOLATION OF THIS CODE.")
shall have the following duties and powers:

1. Except for those powers granted to the Zoning Administrator and HO, the RRC shall exercise the powers granted to the PZ, the BA and the DRB _consistent with applicable law for those boards and for any development action in the:

- ~~_____ a. University Hayden Butte redevelopment area; and~~
~~_____ b. Rio Salado McClintock redevelopment area.~~
~~_____ 2. Meetings of the RRC shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the development services department as a public record;~~
~~_____ 3. The RRC shall not adopt rules of procedure that are inconsistent with Section 1-306 or other provisions of this Code~~
~~_____ 4. The affirmative vote of four (4) members is required to approve any application or to decide any matter before the RRC. Four (4) members constitutes a quorum of the RRC;~~
~~_____ 5. Except for appeals, the rules and procedures for advertising, notification and scheduling of hearings before the RRC shall be consistent with the legal standards required for action before the PZ, the BA or the DRB depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies;~~
~~_____ 6. A person aggrieved by a decision of the RRC or a taxpayer, officer or department of the municipality affected by a decision of the RRC may file, at any time within fifteen (15) days after the RRC has rendered its decision, an appeal with the City Clerk. The City Council will hear the appeal in accordance with procedures adopted by the council and may affirm or reverse, in whole or in part, or modify the RRC's decision;~~
~~_____ 7. This section, providing for the operation of the RRC, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action; and~~
~~_____ 8. The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the RRC.~~

DF. Redevelopment Review Commission - Appeals. ~~A person aggrieved by a decision of the RRC or a taxpayer, officer or department of the municipality affected by a decision of the RRC Redevelopment Review Commission may file, at any time within fifteen (15) days after the RRC Redevelopment Review Commission has rendered its decision, an appeal with the City Clerk. The City Council will hear the appeal in accordance with procedures adopted by the council and may affirm or reverse, in whole or in part, or modify the RRC decision~~

1. Appeal of Final Redevelopment Review Commission Decision:

~~Any person, entity, or group aggrieved by a final decision of the Redevelopment Review Commission regarding a final decision rendered by the Redevelopment Review Commission pursuant to Section 1-306(B)(1) may file an appeal to the City Council within 14 calendar days after the Redevelopment Review Commission has rendered its decision, in accordance with Part 6, Chapter 8.~~

2. Appeal of Redevelopment Review Commission Recommendation:

~~Redevelopment Review Commission decisions regarding recommendations rendered to the City Council pursuant to Section 1-306(B)(1) are not final decisions but are recommendations made to the City Council. Any person, entity, or group aggrieved by a recommendation of the Redevelopment Review Commission need not file a formal appeal to the City Council, but shall notify the Development Services Manager in writing of their appeal of the Redevelopment Review Commission recommendation and the reasons for such appeal. Staff shall transmit the written notice of appeal of the Redevelopment Review Commission recommendation to the City Council for final action.~~

~~*(DELETED STARTING FROM, "ANY PERSON, ENTITY..." TO THE END.)*~~

EG. Redevelopment Review Commission - Reconsideration. Reconsideration of Redevelopment Review Commission decisions shall comply with Part 6, Chapter 7.

Section 1-307 Design Review Board.

A. Design Review Board – Creation and Purpose. The Design Review Board, ~~hereafter called “DRB,”~~ is created to review design aspects of proposed developments to encourage, protect, and enhance the functionality, attractiveness, accessibility, and safety of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, business and industry is a prime requisite for the preservation of property values, for the development of compatible uses and buildings, and for the preservation of public health, safety and general values. The Design Review Board ~~DRB~~ recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.

B. Design Review Board – Duties and Powers. The Design Review Board shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Design Review Board holds concurrent jurisdiction with the Redevelopment Review Commission in accordance with Section 1-306.

1. The Design Review Board shall have the power to hold Public Meetings to review and approve, continue, deny, or approve with conditions, design aspects of the following applications:

a)- Major Development Plan applications for industrial, commercial, public facilities (excluding public schools) or multi-family developments pursuant to Sections 6- 307 and 6- 313;

b) Major modification to Development Plans or Major modification amendments to conditions of approval to Major-approved Development Plans applications for industrial, commercial, public facilities (excluding public schools) or multi-family developments in accordance with pursuant to Sections 6-307 and 6-313, including, but not limited to building elevations, landscaping, and sign design;:

c) Appeals of Development Services Manager decisions regarding Minor Development Plan applications pursuant to Sections 6- and 6- ;

e) Appeals from the Development Services Manager regarding Minor modifications to approved Development Plans, or Minor modifications to conditions of approved Development Plans pursuant to Sections 6- and 6- .

~~The DRB shall have the power to:~~

~~1. Conduct public meetings to review requests for major development plan approval for industrial developments, commercial developments, and multifamily developments. See also, Section 6-307B, for description of major versus minor development plan;~~

~~2. Review development plans, exterior elements of buildings, landscapes, signage, additions to existing buildings, and modifications to a site;~~

~~3. Decide to approve, approve with revisions, or deny development plan applications described in subsection 1; and~~

~~42. The Design Review Board ~~DRB shall~~ may prescribe in connection with any request for a development plan approval application such conditions as the board~~ Design Review Board

may deem necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6. Violation of any Design Review Board~~such~~ conditions shall be a violation of this Code.

C. Design Review Board – Organization.

1. The Design Review Board DRB shall ~~be composed~~consist of seven (7) members and two (2) alternates appointed by the Mayor with the approval of the City Council. The alternates shall serve at the board meetings whenever a regular board member is unable to attend or must decline due to a conflict of interest. All Design Review Board members and alternates shall be residents of the city at all times during their terms. The members shall be selected from residents of the city by the Mayor with the approval of the City Council. At least two (2) members of the Design Review Board DRB and one (1) an-alternate shall be architects, landscape architects or otherwise qualified by design background, training or experience. The ~~terms~~members of the ~~members~~Design Review Board shall ~~serve~~be appointed for three (3) years ~~terms, unless sooner removed by the council, and their terms and~~ shall be ~~so~~ staggered so that the terms of at least two (2), but not more than three (3), members, shall conclude in any given year. Nothing herein shall affect the expiration of the current terms of the Design Review Board DRB. Vacancies for an unexpired term of a member or alternate Any vacancy shall be filled by the Mayor with City Council approval for the unexpired term. The members and alternates of the Design Review Board DRB shall serve without compensation.

(ADDED (2) CITY CODE LANGUAGE ABOUT REQUIRING 2 PERSON AND 1 ALTERNATE OF AN ARCHITECTURAL BACKGROUND.)

23. The Design Review Board DRB shall elect a chairperson and vice-chairperson from among its own members who shall have power to ~~conduct board meetings~~administer oaths, take ~~public comment~~evidence, and set consent agendas. Elected officers shall serve from the first meeting of the Board of Adjustment following the first day of January of each year until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this Board.

34. Meetings of the Design Review Board DRB shall be open to the public ~~and conducted per the standards, in accordance with Part 6, Chapter 5, Public Meetings and Public Hearings.~~ The chair will ask if there are public comments on each agenda item, and ~~t~~The public shall may be given an opportunity to ~~provide oral or written comments~~testify orally or in writing. The minutes of its proceedings, showing the vote of each member, ~~and~~ records of the board's' examinations and other official actions, shall be kept ~~and filed with~~by the City Clerk in accordance with Section 6-503 as a public record.

54. The Design Review Board DRB shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.

65. A quorum consists of four (4) members of the Design Review Board. The concurring vote of four (4) members of the Design Review Board shall constitute a quorum of the board and four (4) affirmative votes shall be necessary required to approvecontinue, deny, or approve with conditions on any application act on any matter on its agenda except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that Board members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their

~~presence makes a quorum. Any other motion shall be governed by Robert's Rules of Order. Robert's Rules of Order shall govern any other motion.~~

~~76. The Development Services Manager, or a designated representative, shall serve ex officio as secretary of the Design Review BoardDRB, but shall have no vote.~~

~~8. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate DRB member to serve. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.~~

~~**D. Design Review Board - Appeals.** Any person, entity, or group aggrieved by a decision of the Design Review BoardDRB under this Code may file an appeal to the City Council within 14 calendar days after the Design Review BoardDRB has rendered its final decision, in accordance with Part 6, Chapter 8. Appeals of DRB decisions shall be referred to the City Council and processed in accordance with Sections 6-801 through 6-803.~~

~~**E. Design Review Board – Reconsideration.** Reconsideration of Design Review Board decisions shall comply with Part 6, Chapter 7.~~

Section 1-308 City Council.

A. City Council - Creation and Purpose. The City Council is created per the City Charter, Arizona Revised Statutes.

B. City Council - Duties and Powers. For the purpose of this Code, the City Council will have the following powers:

1. Hear and decide requests for Final subdivisions Plats, General Plan amendments to the General Plan, code text amendments, or zoning map amendments, annexations, lot line adjustments, and Planned Area Developments and Major modifications to Planned Area Developments or Major modifications conditions of approved Planned Area Developments, pursuant to Part 6, Chapter 6, use permits, variances, and PADs as applicable;

2. Hear and decide appeals of decisions of the Planning and Zoning Commission, Redevelopment Review Commission, and Design Review Board regarding Development Plans, Planned Area Developments, Site Plans, time extensions, Preliminary Subdivision Plats, and Use Permits, pursuant to Part 6, Chapter 6; and

3. Hear and decide appeals of decisions of the Development Services Manager regarding lot splits, sign permits and time extensions, pursuant to Part 6, Chapter 6; and

(BROKE OUT EACH TYPE OF POWER SEPARATELY, SIMILAR TO OTHER SECTIONS.)

3. Council may prescribe in connection with a request noted in subsection 1 and 2 above, conditions as the Council may deem necessary, in order to fully carry out the provisions and intent of the General Plan and this Code, pursuant to Part 6, Chapter 6. Violations of any such conditions shall be a violation of this Code.

(MODIFIED SIMILAR TO OTHER SECTIONS.)

C. City Council - Organization. Refer to City Charter and City Code.

D. City Council - Appeals. Any person, entity, or group aggrieved by a decision of the City Council under this Code may file an appeal to the Maricopa County Superior Court within 30 calendar days after the City Council has rendered its final decision, in accordance with Part 6, Chapter 8. Appeals of City Council decisions shall be processed to Maricopa County Superior Court.

E. City Council - Reconsideration. Reconsideration of City Council decisions shall comply with Part 6, Ch. 7.